FATHER YORKE REPLIES TO HIS CRITICS.

His Controversy No Longer With Rev. Donald M. Ross Alone.

ANSWER TO DR. CASE.

The Minister Called On to Make Good His Previous Assertions.

OATHS BRANDED AS FALSE.

The Priest Says the "Curse of Excommunication" was Taken From An Obscene Book.

The Rev. Father Yorke submits the following in reply to the recent communications of Major Sherman, the Rev. Dr. W. W. Case and G. A. Hubbell.

December 26, 1895.

To the Editor of the San Francisco Call—DEAR SIR: I regret to notice that E. A. Sherman of Oakland has not the common-sense to mind his own business and to allow me to mind mine.

In a letter to you, dated December 25, he says: "Since my appointment as judge in this controversy I have neither examined into the merits of the question at issue nor have I as yet any information as to the programme to be followed." In an interview published December 21 he said twice: "I have said nothing on one side or the other of the merits of this controversy, and have read nothing regarding it."

This morning he declares Rev. P. C. Yorke "keeps up his newspaper discussion, desiring apparently to forestall with the public by his own statements the evidence to be presented and the formal decision of the authorized court."

Now, Mr. Editor, what I want to know is this: If Mr. E. A. Sherman has read nothing about the controversy and if he is unacquainted with the merits of the case, how does he know that I am forestalling the evidence to be presented in my contention with Mr. Ross?

Allow me to remind Mr. Sherman once more that he is talking too much.

I beg to request him in addition to mind his own business. The controversies in which I am now engaged have nothing to do with Mr. Ross. If Mr. Sherman thinks that Messrs. Bovard, Brewer, Case, Hubbell, Morgan, Quitzow, et al. are surreptitiously tapping the thunder of Mr. Donald Ross, the remedy is to be sought from them and not from me. Yours truly,

PETER C. YORKE.

Poscriptum No. 1.

The. Rev. W. W. Case has sprung forward once more to the defense of his decayed reputation and his damaged quotations. In my commentary on his speech I took exception to ten points. (1) I showed that his cousin, J. H. Nelson, was jailed for blackguardism in Brazil. (2) I demonstrated that Spain is neither intolerant nor low in the scale of nations. (3) I called Archbishop Hughes to answer his latter-day defamers as he answered them of old time. (4) I proved by the facts of history and the testimony of historians that the Catholic church had nothing to do with the murder of Abraham Lincoln. (5) I produced John Wesley's own revilings against the American colonies, so that the public might be able to judge between him and the Jesuit, John Carroll. (6) In the matter of quotations, I gave the evidence of the editor of the Shepherd of the Valley against the excerpt which Dr. Case attributed to it. (7) I called on him to produce the work of Brownson which contained the alleged extract from that author. (8) I asked for the number and date of the hypothetical New York Tablet. (9) I verified my accusation that he had vamped the quotation from Father Hecker by suppressing sentences, omitting paragraphs and putting into the mouth of the author sentiments he abhorred. (10) I sent you Gury to establish my charge that Dr. Case had deliberately forged an answer, and that where Gury replied "yes" to the question, "Are ecclesiastics bound to obey the civil law?" Dr. Case of malice aforethought substituted "no."

In answer to these ten charges Dr. Case comes on Christmas day with a communication weighted at the end with cant about "light and truth." With masterly insincerity he ignores seven of the points on which he was shown to be untruthful, and with the aid of many words and much balbucination he tries to defend himself on the three questions of Gury's Compendium, Archbishop Hughes and Father Hecker.

(1) With regard to my charge that he falsified Gury, he replies:

"If his copy of Gury's Compendium, as he claims, reads 'yes' where mine reads 'no,' then the Jesuitical trick is proved, as charged, of having two different editions of their unsavory textbooks—a genuine edition for the training of the priests and licentiates and an expurgated copy for the laity. My citations from Gury are correct in every particular."

Concerning this answer I will merely say that it is worthy of Dr. Case. It well becomes a man who has allied himself to the venders of the Jesuit oath and forged encyclical. I wonder what do the Methodists of San Francisco think of this minister of their religion. Urged by vanity and an itching palm, he has plunged into a warfare where the only weapons are lies. Cornered in his mendacity his only refuge is to prevaricate the more. Stand up before your people and let them look at you, Dr. Case. Hireling of a foreign conspiracy, when confronted with the evidence of your mendacity, your only course is to bespatter the character of those who convicted you. Disgrace to your cloth, when your lie had found you out you would libel better men than you. When treed at last, and no hope of escape at hand, true to your nature you would overwhelm us all with that factor which is congenital to the unclean beasts of your kind.

But, Dr. Case, neither billingsgate nor cant will avail you now. You are not speaking to the bats and moles of a proscriptive society; you are speaking to the American people, and principally to members of your own church, whom you dishonor. Before them you stand on trial and to them you must answer. The charge against you is that you have falsified a textbook of the Catholic Church. You say your citation is correct—produce your authority. You say there is an edition for the priests and an edition for the laity—produce your proofs. The Gury which is lying at THE CALL office is the selfsame copy which I used in my college course, and I am both a priest and a licentiate. Before all the citizens of this State I challenge you to produce an edition of Gury which asks the question, "Are ecclesiastics bound to obey the civil law?" and which answers it, "No." No quibbling about Jesuitry will avil you now. Produce your book or forever stand before your people as a man who has prostituted the livery of Heaven to serve the father of lies.

(2). In his Sunday lecture, Dr. Case declared, "Fifty years ago Archbishop Hughes was eadh and ears in politics. He did all in his power at that early stage of our history to destroy the public school system in this country." I answered this charge, but quoting Archbishop Hughes' challenge, which replies to all his calumniators—past, present and to come. Did Dr. Case meet this challenge like a man? Did he face the old lion of New York and come out with his names, his dates and his places? Let the people mark it well. He dodged into the byways of history and tried to escape in the obscurity. "Archbishop Hughes," he cries, "was opposed to our public school system."

The ignorance of the Little Read Patriots in matters of spelling, grammar and geography is paralleled by their ignorance of this country's history. If, Dr. Case, you wish to demonstrate that you are an ignoramus you should not do it in such a way that every boy and girl in the high school must laugh at you. There is not one of them who does not know that Archbishop Hughes had nothing whatever to say to "our public school system." His great agitation on education was carried on in 1841, and in 1841 there was no vestige of "our public school system" in the city of New York. The first provision for common schools in the Empire State was made at the suggestion of Governor Clinton in 1795. In 1800, however, the measures taken had failed and the schools were declining. In 1812 an act was passed which gave State aid to denominational schools (Protestant and Catholic) on a pro rata basis. A private corporation, founded in 1805 and in 1808, named the Free School Society, had opened many schools in New York City. In 1826 this corporation was rechristened the Public School Society, but it remained a private corporation, the members of which paid a fee of $10 a year. Soon after it managed to get control of all the public moneys appropriated for education. It was a private society and thoroughly Protestant. The textbooks used in its schools were grossly offensive to Catholics. They were filled with the old scandals and calumnies which sober historians have long ago relegated to garrulous old women and which garrulous old women have relegated to Dr. Case. Agents were sent out to decoy Catholic children into these schools, where they were compelled to sing Protestant hymns, to recite Protestant prayers and to listen to the Protestant Bible. Against this iniquitous system Bishop Hughes fought, and all honor to him for his manliness. He exposed the true nature of the Public School Society, and though some preachers raved and roared the Legislature abolished it in 1842 and the provisions of the law relating to common schools were extended to New York City.

The following card, published November 1, 1841, explains Bishop Hughes' position:

Bishop Hughes, unable to reply to the many misrepresentations of the public press in any other way than by a card, respectfully begs leave to assure the community that he is neither a Whig nor a Loco Foco, nor a politician of any description.

He does not permit himself or any of the clergy to meddle in the business of politics. He does not ask for sectarian schools, nor did he ever. He does not ask that any of the public money should be given to his denomination, nor did he ever.

Any system of education which shall not interfere with the religious rights of any denomination will satisfy him.

The present system is not of this description; it insists on giving what is termed the "legal quantity of religious instruction." It has many opponents in this city on strong constitutional grounds.

Again does the voice of the great Archbishop come back from the grave to refute his calumniators. The American public school system, which is our public school system as well as Dr. Case's, is a non-sectarian system. Our people pay their taxes for it as loyally as the people of any other denomination. They demand in return that it shall contain no features offensive to them or to their children. This demand the constitution of California readily concedes. Catholic and Protestant, Jew and Gentile have a right to these schools, and no preacher or aggregation of preachers can be permitted to blockade their doors with sectarian Bibles.

The enemies of the public schools are not the Catholics, but they are those sensational preachers who would introduce their sectarian practices. We Catholics believe in teaching religion to children, but to do so we build our own schools and pay for their maintenance. On the contrary, a set of sniveling hypocrites, who have not the Christian fortitude to make a sacrifice for the sake of principle, prowl round our public schools with King James' Bible in their pockets and their handkerchiefs to their eyes boo-hooing about Rome and searching for some chink to insert themselves and their doctrines within grabbing distance of the public purse.

(3) With regard to Father Hecker, I accused Dr. Case of three crimes: (*a*) he suppressed sentences; (*b*) he omitted paragraphs; (*c*) he put into Father Hecker's mouth sentiments which he quoted to refute. Dr. Case's own letter proves my contention true. He tries to escape the responsibility by putting the blame on the editor and the paragraphing. It is none of my business to allocate the blame. Dr. Case's extract was printed to leave the public under the delusion that Father Hecker attributed the alleged troubles of the church to her hierarchical constitution. He might as well quote the Bible to prove that Ingersoll is correct. The Bible says "There is no God." Dr. Case's tactics would suppress the introduction, "The fool saith in his heart."

Such, Mr. Editor, is the lame defense which Rev. W. W. Case has made for three of his propositions out of ten. We could not expect better things of him. In the beginning he slandered the sisters, and crawled out of it by denying his spoken word. In his letter he slandered them again by saying they had subjected themselves to thralidom, and he refused to substantiate his assertion by slandering the respectable business men of his own church. He calumniated the very convicts in our prisons, who have not the opportunity of defending themselves, and when I convicted him by facts and figures he fled from San Quentin to Folsom and from Folsom to Whittier and from Whittier to silence.

He appersed the intelligence of the Catholic community and disparaged the greatest minds of ancient or modern times by lampooning the confessional, which the very heathen recognize as an aid to morality and the most learned enemies of Christianity have denominated a safeguard to society. He traduced the priests of this City, who have proved by long and laborious lives of service to the people the earnestness of their convictions, and he accused them of mercenary motives, who owe their burial and their graves to the charity of their brethren. He maligned the parochial schools by attributing to their influence an incredible percentage of the prisoners in our penitentiaries, and when I proved the contrary he had not the manliness to acknowledge his error. It would take too much time, Mr. Editor, to review the ramifications of the exuberant mendacity of Dr. Case. Like the noxious weed which grows on rank soil, every day he puts forth new shoots and he gives to every wind the baleful seeds of slander, calumny and lies. P. C. Y.

Postscriptum No. 2—Mr. G. A. Hubbell is to the front this morning with a new collection of oaths. He prefers to show his fertility in producing new charges to manifesting his manliness by substantiating old ones. In my last letter I branded him as eleven different kinds of a liar. His reply merely gives me an opportunity of adding a few more kinds to my list.

In the beginning I would state that the A. P. A. seems to be very unfortunate in the selection of its champions. When men come before the public to make accusations against a great church they should at least bear the semblance of good faith. It is hard to believe that G. A. Hubbell credits himself the authenticity of the latest creeds which his scissors have inflicted on your readers. The vile nature of the alleged curse of Pius IX on Victor Emmanuel is so patent that no man of integrity could bring himself to opine it true. It is a terrible thing to contemplate a condition of mind which would attribute such a concatenation of malediction to a human being. I prefer to believe that G. A. Hubbell is acting in bad faith. Coward that he is, he fears to meet like a man the sworn denial of his previous oaths. He would blind the public by producing other and greater monstrosities. I do not intend, Mr. Editor, to aid him in his attempt. Let him first purge himself of the charge of forgery which has been fastened on him by the affidavits of three witnesses. When he attempts to do this we can meet this moral leper without instinctively raising the cry: Unclean! Unclean!

For the sake of your readers, however, allow me to state that the nature and the authorship of this obscene curse have within my own memory been exposed three times on this Pacific Coast and in the public prints. I send you a copy of an old book published in 1813 by William Durrell & Co., New York. It is the first volume of Sterne's works, and contains that unclean novel known as "Tristram Shandy." On page 197 you will find word for word the curse which G. A. Hubbell has not been ashamed to print. From here and not from "Romanism the Danger Ahead" comes this curse. It is the emanation of the brain of Laurence Sterne, as vile a man as ever drew the breath of life, but not more vile than the ignoble crew who use his obscenities to defile the graves of the dead.

Let me quote from Thackeray, who never showed any leanings toward catholicism, an appreciation of the character of this concocter of false and indecent oaths:

In writing to Eliza (a married woman, Mrs. Draper) Sterne says: "Well have you supported that character, my amiable, my philosophic friend; and indeed I begin to think you have as many virtues as my uncle Toby's widow. Talking of widows, pray, Eliza, if ever you are such do not think of giving yourself to some wealthy nabob, because I design to marry you myself. My wife cannot live long, and I know not the woman I should like so well for her substitute as yourself. 'Tis true I am 95 in constitution and you but 25, but what I want in youth I will make up in wit and good humor. Not Swift so loved his Stella, Scarron his Manitonon or Waller his Saccharissa. Tell me in answer to this that you approve and honor the proposal." Approve and honor the proposal! The coward was writing gay letters to his friends this while with sneering allusions to this poor foolish Eliza. Sterne was at this time at the Mound "Coffee-house" with a sheet of gilt-edged paper before him offering that treasure, his heart, to Lady P——, asking whether it gave her pleasure to see him unhappy, whether it added to her triumph that her eyes and lips had turned a man into a fool? quoting the Lord's Prayer, with a horrible baseness of blasphemy as a proof that he had desired not to be led into temptation. There was also a No. 3 to whom the wretched worn-out old scamp was paying his addresses. The year after having come back to his lodgings in Bond street with his "Sentimental Journey" to launch upon the town, eager as ever for praise and pleasure—as vain, as wicked, as witty, as false, death at length seized the feeble wretch, and on the 18th of March, 1768, that bale of cadaverous goods was consigned to Pluto. ["Thackeray's Lecture on English Humorists." Sterne and Goldsmith, vol. 7 of Thackeray's works. Pub. Boston: Estes & Lauriat, 1882.]

Such, Mr. Editor, is the authority which G. A. Hubbell brings against the Catholic church. I am tempted to believe that men who put their trust in such informants must not be unlike them in moral character. Indeed if we consider the campaign which the A. P. A. has waged against us we can only say that no lie has been too obscene, no charge too indecent, no accusation too vile to be rejected by those who are so low that wallowing in filth does not increase their uncleanliness.

In conclusion, therefore, let me add to the long list of falsehoods of which G. A. Hubbell stands accused:

Falsehood No. 12—G. A. Hubbell lies when he says that any Bishop in these United States takes an oath to persecute heretics.

Falsehood No. 13—G. H. Hubbell lies when he says Cardinal Baronius wrote "Ecclesiastical Annals" in 1198. Cardinal Baronius was not born until 1538.

Falsehood No. 14. G. A. Hubbell lies when he says that the curse printed in THE CALL this morning was pronounced by Pius IX on Victor Emmanuel, or that it was not invented by the author of "Tristam Shandy" and first given to the world by that unprincipled blackguard, Laurence Sterne.

Now then, Mr. Editor, if G. A. Hubbell has in him any spark of decency or remains of manliness, let him meet these accusations. Let him meet them not by producing new calumnies, but by clearing himself of the charges which I have made. I hereby brand him again as a conscious liar, and I leave him on his pedestal of shame to the scorn of all decent and truth-loving men. P. C. Y.

TO DEVELOP GOLD MINES.

Action Taken by the San Francisco Stock Exchange Board.

This Generous Act Will Stimulate Business in Mining Properties of the State.

The executive committee of the San Francisco Stock Exchange Board has decided that hereafter it will encourage the listing of gold mines. They recognize the fact that in their long list of Comstock and other mines the stock of which they have been buying and selling for years the California gold mines are hardly represented. It is safe to say that there are not over five of these on the list.

In speaking on the subject yesterday Joseph Marks, a broker, said:

"Of course the gold mines of this State in many instances are close corporations, but there are scores of rich gold mines that we never hear of. Frequently they are held by men who are not in a position to develop them. These could be listed, and instead of paying periodical assessments to worked out or depreciated silver mines the people could place their dimes in the gold mines, where there are prospects for returns upon the properties being developed.

"I do not know of any move better calculated to advance the gold-mining industry of this State than the one the exchange has made. We have decided to do away with article 3 of our by-laws, or rather to suspend it for twelve months."

The article reads like this:

The fee for placing mining stocks on the regular list shall be $500 each, and no stock shall be bought or sold at any of the sessions of the board unless the same shall have been approved by the stock-list committee and regularly listed. This board reserves the right to suspend the calling of any stock at any time by a two-thirds vote of the members present. All mining stocks remaining on the list over one year shall pay $100 per annum in advance; and the said annual fee shall become due on the first day of January, and any stock upon which said fee shall remain unpaid on the third Tuesday in February shall be stricken from the list by a majority vote. No stock so stricken from the list shall be replaced except by the payment of a fee of $500, as hereinfore provided, and reference to the stock-list committee.

"Our action now invites the listing of all meritorious mines free of charge for one year, after which the regular $100 fee will be charged," continued Mr. Marks.

"We do not mean by encouraging these gold mines to be listed that the board will float the property or anything like that, but we will handle the stock on the market buying and selling it as a commodity. This will bring to the front and develop mines that have remained dormant all these years for lack of power and money to work them."

The first step after suspending article III of the by-laws was the appointing by president George I. Ives of a committee to take the necessary steps to secure the listing of all desirable and valuable mines. Joseph Marks was appointed chairman. With him are M. J. McDonald, R. F. Morrow, A. J. McDonell and Charles E. Paxton.

EXTENDED THE TIME.

Regents of the University Will Receive Affiliated Colleges Plans Until January 31.

A special meeting of the building committee of the Board of Regents of the University of California was held at the office of General Houghton, 303 California street, Tuesday afternoon, pursuant to the call of the chairman, J. West Martin.

It was decided, after much discussion, to extend the time within which plans and specifications for the proposed buildings of the Affiliated Colleges may be received until noon of the 31st of January. The time limit set in the advertisement which called for the plans and specifications was noon of the 17th of January.

It was ordered that duplicate schedules of information as to the required characteristics of the buildings and the quality of materials to be used in their construction be prepared for the benefit of the architects intending to enter the competition, and be filed, one copy with the secretary of the Board of Regents in Berkeley and one copy with the law firm of Reinstein & Eisner, 217 Sansome street.

KNOCKED DOWN BY A CAR.

E. A. Seaberg Narrowly Escaped Death on Market Street Last Evening.

E. A. Seaberg, a seaman, residing at 606 Linden avenue, was knocked down and seriously injured last evening by a Castro-street car on Market street, near Powell.

Mr. Seaberg and his wife were on a car going toward the ferries and on reaching Powell street they alighted and were on their way to the sidewalk when a car coming in the opposite direction struck Seaberg, knocked him down, and before the car could be stopped he was dragged quite a distance. It was several minutes before he could be released from his unpleasant position.

A number of men who witnessed the accident picked Seaberg up and carried him into a convenient drugstore, where his face, which was quite badly bruised, was dressed.

Although suffering severely from the shock and his bruises, Seaberg refused to go to the hospital, so a hack was procured and he was driven to his residence.

Ching Too Can Stay.

The Chinese ex-convict Ching Too, taken before United States District Judge Morrow for deportation, and who set up the plea that he was born in this country, secured a favorable decision from the court yesterday. Judge Morrow held that he could not be deported because native born. A decision in the case of Wong Kim Ak, the Chinese citizenship test case, is expected soon.

PATENT back, flat opening ledgers, journals, account books made by the Mysell-Rollins Company, 22 Clay street, are all right. *

INGLESIDE STREETCAR ROBBERS CAUGHT.

Discovery of the Buried Booty Leads to Their Capture.

HIDDEN NEAR THE CLIFF.

Edward Willis of the Olympic Pumping Plant Found the Money.

THREE DESPERADOES IN JAIL.

One of the First Men Captured Supposed to Have Peached on His Confederates.

Three of the robbers who held up the Mission-street car on its way from the Ingleside track Wednesday night were captured near the Cliff House last night by Captain Lees and posse and a portion of the treasure was recovered.

The robbers had made their way from the scene of the hold-up to the beach near the Olympic Water Company's pier and there buried the sack containing the stolen coin.

The discovery and subsequent arrest was directly attributable to Edward Willis, the superintendent of the water company's pier, who found the sacks embedded in the sand under the pier.

At 8:25 last night the patrol-wagon, loaded with officers armed with Winchesters, left for the beach, a number of officers, through Detective Gibson, having been located there during the day.

There the robbers and a portion of their booty were found and returned to the City Hall.

It was one of the boldest hold-ups recorded in the criminal annals of the last half-year, and the speedy capture reflects credit on the Police Department.

The news of the capture of the two robbers caused the greatest excitement at police headquarters. Captain Lees was explaining by a map to a lot of newspaper men the routes that the robbers could have taken after the hold-up, particularly the Almshouse road route, where Lieutenant Burke discovered the marks of wagon wheels leading from the Ingleside hotel for about a mile.

This was about 8:20 o'clock and the captain was called to the telephone. In a minute or so he came along the passage at a rapid gait shouting, "We've got them! We've got them!" He immediately ordered Sergeant Colby to get the patrol wagon ready, and throwing on his overcoat he passed out of the office downstairs to the wagon, followed by an eager throng. To all he would only vouchsafe the information that "We've got them," but he would not say how many or where they had been captured. He and Sergeant Colby drove off in the wagon.

After two hours the Captain returned in a hack accompanied by Detectives Gibson, and Cody and with Middlemass in charge. A few minutes later the patrol wagon arrived with Gardner. He was escorted by Detectives Silvey, Crockett, Reynolds, Graham, Wren and Campbell, each armed with a Winchester.

The news of the arrests seemed to have spread rapidly, as a crowd had congregated in the corridor, and there was such an eager desire to get a glimpse of the prisoners that a policeman had to be detailed to keep them from crowding into the office. Secretary Leake of the Racetrack Association and Police Commissioner Gunst were among the first to arrive, and the latter was delighted at the creditable and quick work done in capturing the robbers.

OFFICER JOSEPH.

CAPTAIN LEES' STORY.

How the Highwaymen Were Captured on the Beach.

Captain Lees' story of the capture of the three robbers runs as follows:

About 7830 or 8 o'clock this morning Edward Willis, the superintendent of the Olympic Water Works, under the Cliff House, started to inspect the piers according to his daily custom. Under the seventh pier he noticed a strap sticking out of the sand. He pulled on it but it didn't come up, and when his utmost efforts were insufficient to dislodge it he scraped away the sand and found a leather pouch something like a mailbag. It was fifteen inches long by nine or ten inches wide, and it had been cut open at one end.

Willis notified me by telephone of his find and I sent out Detectives Gibson and Cody. Willis meanwhile had removed the pouch to the engine-house, where he reburied it.

On examination it was found that the pouch was full of small bags. These were filled with coin and labeled, though some of the labels had been washed off by the seawater.

The markings on the bags and the amounts of money each contained were these: Registry No. 3, $38 35; registry 5, $38 40; registry 6, $36 45; registry 7, $73 95; registry 8, $30 15.

The bag marked registry No. 8 also contained an old fashioned clasp purse containing $335 in $5 gold pieces. One unmarked bag held $41 30 and another $43 45. The total amount recovered was $663 15. There is said to have been one more purse which contained nearly $1000 in gold and greenbacks, but of this we have no knowledge. This list I have given was made in the presence of Mr. Willis.

The pouch was found at the seventh pier out into the ocean. Therefore it must have been buried at low tide. The only time after this morning when any attempt would be made to recover it was at low tide to-night. Knowing this I placed my men in hiding in that vicinity—in boats, in the pumping tower and about the Cliff House.

Just after dark two men came walking up the beach. They walked directly to pier 7 and then stopped. My men were watching them through fieldglasses, but it was too dark to distinguish just what they were doing, so we closed in on them.

When they saw us coming they clambered up on top of the pier and ran out to the end of it. There we overtook them, forcing them to hold their hands above their heads. The officers, to reach them, had, however, to cross a considerable open space, and, meanwhile, they had thrown their guns into the ocean. When we got to them, however, the big one threw up his hands very quickly. The little one, being full of gin, was somewhat slower, but not too slow, for we had reversed the proposition on them—last night they had the Winchesters; to-night we had them.

Gardner, Middlemass and Welsh have been identified as having been at the racetrack last evening after the bar was closed. They tried to get a drink, but were not successful, as it is rule of the association that the bar must remain closed when the races are over.

Gardner's trunk was found in his room, on Fifth street. Middlemass and Welsh had a room in a lodging-house on Stockton street. I do not care to give the numbers, for special reasons.

They, of course, deny that they were implicated in the hold-up. Welsh says that he and Middlemiss started to come out of the track after the races were over. Welsh says he gave Middlemiss 10 cents to pay for their fares. Both were drunk and Welsh got into a row with the conductor, who threw him off the car.

Middlemis says he hailed several cars and has no recollection of what car he got on but he found Welsh on it. Welsh contradicts Middlemiss and says he did not see him after leaving the track till over an hour later when he met him in the saloon 863 Market street.

Gardner says he was not at the racetrack that day. Middlemiss and Welsh say that Gardener was in town playing the poolrooms, but I have reason to believe that Welsh and Gardner were at the races together. Twelve pool tickets were found on Middlemiss, showing that he had been playing the races yesterday.

"The prisoners? The shorter of the two men is named Joseph Middlemas. He is 25 years old and comes from Eureka, Humboldt County. His father used to work on old No. 4 engine in this City when it was stationed at Battery and Bush streets and I was its foreman. He was also with the New York Mutual Life Insurance Company at one time. I do not know whether or not the boy has been in trouble before or not.

"The taller man is Harry Robert Gardiner, aged 32 years, of Eureka. When he was searched we found a badge of the Eureka Fire Department upon him. I do not know his record.

"The officers who effected this capture were Detectives and Officers Cody, Gibson, Silvey, Reynolds, Crockett, Wren, Graham and Campbell. Myself and Sergeant Colby were also on hand."

The third man is Patrick Welsh, a barber, who claims to have resided in Port Costa until four or five days ago when he came to the City, and has been playing the races. It is known that he and Middlemass were at the races on Christmas day, and Middlemass says he was drunk that day. Welsh's hands are cut as if by coming in contact with a barbed wire fence. Both his handkerchief and Gardner's handkerchief are bloody.

There are a lot of circumstances that I am not at present prepared to give for publicity which make it morally certain to me that these are the men who held up the car.

Welsh was found to-night at the saloon 863 Market street by Detectives Silvey and Crockett. When I was out at the beach I learned enough from Middlemass to give me a clew as to where Welsh was to be found, and I detailed he two detectives to go for him.

Captain Lees did not commit himself to any theory. He believes, however, that the robbers had a team in waiting and that they took the road to the beach.

In speaking of the men Captain Lees said:

All this talk about Eastern crooks is nonsense. Every time an unusually bold hold-up occurs some imaginative newspaper writer immediately jumps at the conclusion that we have had an immigration of Eastern crooks, safe-crackers and representatives of the light-fingered gentry. We have a great sufficiency of bold and clever criminals on the coast without depending on importations to do this kind of work.

It is a matter of record that when these much-mooted Eastern crooks reach the coast they find that the competition is not only active, but that the detective surveillance is equally as antagonistic to their nefarious prosperity. We have spotted them so easily that the prospectors of the craft have sent word to their co-workers that the harvest was not ripe and to save railway fare.

Another man, one named Johnson, was also arrested at 863 Market street, but he was let go after an hour's investigation, which failed to connect him in any way with the crime.

OFFICER JOSEPH'S FIGHT.

How He and Fitzgerald Exchanged Shots With the Road Agents.

Officer C. J. Joseph was taken to his home at 336 Shipley street late yesterday afternoon.

Though suffering considerably from his wound, he was able and willing to talk of his experience of the night before. Said he:

Before I begin about myself I want to give credit to Mr. Fitzgerald, the green hand. He is one of the nerviest green men on the force I ever saw. There is no backdown in him and he is game all the way through. In fact, I think if either he or I had not winged one of the rascals I would not be here to talk to you at this minute. He stood by me as long as his ammunition lasted and I heard the hum of his bullets as they sped on their way toward the retreating robbers.

But to get back to the facts as I know them. The first shot was heard by Fitzgerald and me before we left the track. When we ran out the gate another shot was fired, and we rushed down the road in the direction of the car, which we could see was stationary in the road.

A crowd was gathered round and great excitement prevailed, as we could easily surmise from the gesticulations and loud voices as we approached. When within several hundred feet of the car a man came running along the road toward us.

As an officer I could not fire until he fired first, though I knew he was running away to escape the consequences of his act, whatever it may have been. I ordered him to halt. He continued on his course, and at the third command turned and opened fire on me with his Winchester. That was all I needed, and I turned my own gun loose.

I think I was hit at the first fire, though I could not be sure. After several shots had been fired I felt a burning sensation in my leg, close up to the thigh. All the time the fellow who was doing the shooting at us was making his way up the bank.

After our revolvers were emptied I realized that I was hurt, and told Fitzgerald that we had better get back to the track and get some more ammunition or new guns. Just then Fitzgerald fell down and I thought he was hit, but he had only stumbled. Then we went back to the track.

But there were no guns or ammunition to be found there and we had to make the best of it. I am certain I hit the man who fired at me first and afterward winged me, and I think I owe my life to that fact. When the fellow who did the shooting was climbing up the hillside his partner, or one of them at least, came into view from the direction of the held-up car. He was sprinting it, and if the last shot from my revolver had not shown him our location he would have been on top of us in a minute. As it was he made a detour. Before doing so, however, he may have taken a shot at us.

Do I think there were two, three or four? From all that I saw and all that I heard before and since, I am inclined to agree with the motorman and conductor that there were four. The man who did the firing at Fitzgerald and me with his Winchester was tall and wore a long overcoat and stiff hat. The short fellow, who came after, wore a light overcoat.

I did not think I was hurt so badly as I am until the business was over. Then it was I learned for the first time that I had been winged in the shoulder.

The first shot passed through the inner side of my right leg, near the thigh, narrowly missing the large artery. They say a fraction of an inch would have removed me from the force forever.

By way of illustration Mrs. Josephs held up to view her wounded husband's trousers, and the clean-cut holes made by the deadly 44-caliber bullets were forcibly in evidence.

The physicians think Josephs will be be able to leave his bed in ten days or two weeks, and all agree that his escape from mortal injury was almost miraculous.

CLARKE'S INJURIES.

It Was Found Necessary to Amputate His Foot.

After being removed from the Palace to the Waldeck Sanitarium, Cashier Clarke's injuries were critically examined and it was decided that his foot must be amputated. There was no alternative, and the unfortunate cashier underwent the operation.

As given in THE CALL'S almanac Thursday morning Mr. Clarke's story was in every point corroborative of that of Mr. Bronner.

Clarke is doing as well as could be expected under the circumstances and speaks very modestly of his connection with the affair.

HARDSHIP TO SEALERS.

Losing Good Time, They Say, Waiting for the New Regulations From the Treasury Department.

There is a general complaint among the sealers of this port over the tardiness of the Treasury Department in sending the sealing regulations for 1896.

All the fleet is practically tied up, awaiting the regulations, except those which had already put to sea, namely: the Jane Grey, owned by C. Nonnenmann; the Eppinger, owned by John Erickson and others, and the Alton, owned by A. P. Lorentzen and others.

The sealing regulations for 1895 did not arrive until as late as January 25, and owing to this fact a number had to sail last season without first securing the special licenses necessary to permit them to hunt in the "award" area.

Custom-house Broker W. H. Thornley said yesterday in alluding to the matter that a great hardship was being caused to the sealers because, while they are waiting for the regulations, they are considerably out of pocket in having to pay idle hunters. The pay of the hunters in many instances goes on whether the craft puts to sea or not.

The vessels in which William Bendt and J. F. Cunningham are part owners are tied up. Senator Perkins has interested himself in the Winchester and Bowhead cases, and expects the co-operation of Senator White in an effort to have the Treasury Department release these two schooners.

REPUBLICANS MEET.

A Strong Organization Formed in the Forty-Second District.

The Republican voters of the Forty-second Assembly District held an enthusiastic meeting last evening at B'nai B'rith Hall, 121 Eddy street, for the purpose of organizing a central club for that district under the auspices of the executive council.

The meeting was called to order at 8 o'clock by General S. W. Backus, who briefly outlined the purposes of the meeting and called for nominations for the temporary officers. H. V. Scott was nominated for temporary president and Frank B. Veasey for temporary secretary.

On motion, O. L. Swett, C. S. Curtis and H. C. Schaertzer were appointed a committee on permanent organization. They reported in favor of making the temporary officers the permanent officers of the club, also that there be an executive committee of fifteen and a constitution and by-laws.

The report of the committee was unanimously adopted. J. C. Skinner was elected treasurer and J. V. Victor was elected sergeant-at-arms, the president was empowered to appoint the executive and finance committees, and J. C. Skinner and C. S. Curtis were elected delegates to the executive council.

The following were appointed as enrolling committee: A. R. Smith, C. S. Curtis, J. V. Victor, G. A. Jewett and R. Muller. Mr. Field, a member of the Republican executive council, made an address which aroused the thorough enthusiasm of those present.

VICTIMS OF THE RUNAWAY.

Mrs. E. R. Dimond and Mrs. Joseph Tobin Are Much Better.

The many friends of Mrs. Edwin R. Dimond and Mrs. Joseph Tobin, who were injured in a runaway accident on Pacific avenue, near Van Ness, on Wednesday afternoon, will be greatly pleased to learn that the nature of the ladies' injuries is not as serious as it was at first expected it would be. Dr. Charles H. Rosenthal, the family physician, states that they have recovered from the shock, and he expects both ladies will be able to be about in a week or ten days.

There was special cause for rejoicing in the family when the physician examined Mrs. Tobin's face yesterday and announced that the cuts and bruises can be healed without disfiguring her. When she was taken to General Dimond's house, 2222 Washington street, the injuries caused the belief that she would be permanently disfigured. The cuts on her hands will not be noticable in a few weeks.

Mrs. Dimond's injuries were not so serious. She, too, sustained several cuts about the head, face and hands, but they will soon heal. The family received many inquiries from solicitous friends yesterday, and all were much relieved to learn that the injuries will not necessarily prove serious.

ARE NOT OVERWORKED.

Mercantile Toilet Company Denies Connection With Electric Laundry.

The proprietors of the Mercantile Toilet Company, mentioned as being connected with the Electric Laundry, deny that such is the fact or that their employes are worked more than ordinary hours.

In an interview yesterday B. B. Galland said:

"None of our employes work earlier than 7 o'clock A. M., nor later than 6 o'clock P. M., except twice a week, when they remain until 8:30 P. M. This is an arrangement made for their own convenience, as it permits them to leave on Saturday afternoons at 4 o'clock. They are given one hour for lunch, and on the two evenings that they work here one hour for dinner. The only time that we worked later than 8:30 o'clock was on Christmas eve, when we ran until 9:30 P. M., in order to get our work in such a state as would allow us to give our employes a holiday on Christmas, which we did.

"Our building is new, and the sanitary arrangements are modern in pattern and excellent in character."

JAMES G. FAIR'S MONEY.

All of the Adult Collateral Heirs Have Received Their Coin.

ONE MORE MOVE TO MAKE.

Seven More Minor Legatees Are to Be Gathered In Before Dividing the Estate.

The distribution of the millions of dollars left by the late James G. Fair within a very short period of time is now a well-assured fact.

Aside from the direct heirs there are some fifty-six collateral heirs and other legatees who have had to be attended to so as to prevent tedious and expensive litigation.

Even the direct heirs at first had grievances, imaginary or otherwise, which have been wiped out, and now they are on such an amicable standing that they have decided to at first gather in all outside claims and to then cut up the late ex-Senator's vast wealth according to their ideas.

So as to bring the complexity of the case into a nutshell that it might better be dealt with Attorney John A. Percy placed himself in communication with the thirty-six adult heirs resident in Iowa, comprising the brothers and sisters of the deceased millionaire and their adult children. They rested their claims with him and a settlement was speedily reached by which the $640,000 aggregate legacies in the will was immediately paid over; also about $200,000 more for interest and as an inducement to some of the heirs who felt they had not been properly recognized.

Thirteen more minor heirs, also in Iowa, were made wards of Attorney Percy last Tuesday in the Probate Court and their aggregate claims, amounting to about $100,000, will soon follow the same line of settlement as in the cases of the adults.

This leaves seven more minor heirs, five of whom are in the East and two in San Jose. As soon as they are gathered in the fold the direct heirs will divide the vast estate on the lines drawn in the will.

The trustees, under the will of the dead millionaire, will of course maintain their position so long as they are supported by the courts. They have shown no disposition of abandoning their trust.

A Switchhouse Burned.

During the process of making up a train at the Southern Pacific yards on Townsend street last evening, several cars attached to a switch engine jumped the track and overturned a small switchhouse which immediately caught fire from a lamp which exploded on the inside of the house. An alarm of fire was turned in through box 182, but before the engines arrived the fire had been extinguished. The damage will amount to about $10.

His Skull Fractured.

Battie Baldocchi, 6 years of age, living with his parents at 517½ Vallejo street, was playing last night with some other boys on Turk street near Mason. One of the boys threw his ha into the elevator shaft in the rear of the Owl drugstore, and in reaching for it Battie fell into the shaft and fractured his skull.

NEW TO-DAY.

Who does not know women and young girls who are continually in tears? Who always see the dark side? Who have frequent fits of melancholy without any apparent cause? But there is a cause. It is to be found by the intelligent physician in some derangement of the complicated and delicate feminine organs of generation. The woman who half understands herself, feels that she cannot always be complaining; she cannot always have the doctor in the house. The young girl suffers